

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Amendments to Chapters 12-56, 12-60, 12-110, 12-170,
12-180, and 12-190
Hawaii Administrative Rules

Date

1. Section 12-56-6, Hawaii Administrative Rules, is repealed.

["§12-56-6 Library. (a) A borrowing agreement must be signed with the HIOSH library before any of the library materials can be borrowed from the HIOSH library.

(b) Material may be reserved for borrowing.

(c) Loaned material must be returned on the date designated. Material not returned on time may result in the denial of future requests to borrow HIOSH library materials for a period of up to one year.

(d) If a borrower mails loaned HIOSH library material back to HIOSH, the borrower is responsible for the timely return of the material, the condition of the material sent, and the cost of shipping the material back to HIOSH.

(e) HIOSH library borrowers may be required to replace any material that has not been returned within thirty days after the due date or material that has been damaged such that it is unusable in its current condition. If the same item or material is no longer available, an equivalent replacement, agreed upon by HIOSH, may be substituted."]

[Eff 12/29/01; R] (Auth: HRS §396-4) (Imp: §§396-4, 396-5.1)

2. Subsection 12-60-50(a), Hawaii Administrative Rules, is amended to read as follows:

"§12-60-50 Standards. (a) Incorporation of federal standard. Title 29, Part 1910 of the Code of Federal Regulations, [2011] 2012 Edition, published as of July 1, [2011,] 2012, by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001, is made a part of this chapter except as provided in subsection (b). [Title 29, Code of Federal Regulations, Part 1910, entitled "General Working Conditions in Shipyard Employment; Final Rules," published by the Office of the Federal Register, National Archives

and Records Administration on May 2, 2011, July 25, 2011, and "Standards Improvement Project - Phase III" published by the Office of the Federal Register, National Archives and Records Administration, on June 8, 2011, are made a part of this chapter.]" [Eff] (Auth: HRS §396-4) (Imp: HRS §396-4)

3. Section 12-110-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-110-1 Application. The general requirements of any chapter in part 3 shall not be used when there are more specific requirements in any other chapter in part 3. [Parts 1, 3, and 8 (except chapter 12-200)] contain the only standards applicable to construction work.] For the purposes of [these parts,] this part, construction work means work for construction, alteration, demolition, or repair including painting and decorating, erection of new electric transmission and distribution lines and equipment, and the alteration, conversion, and improvement of the existing transmission and distribution lines and equipment." [Eff 7/12/82; am 8/5/88; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

4. Subsection 12-110-2(e), Hawaii Administrative Rules, is amended to read as follows:

"§12-110-2(e) Accidents shall be reported in accordance with [§12-52-8] §12-52.1-1." [Eff 7/12/82; am 9/27/84; am 8/5/88; am 9/21/96; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

5. Section 12-110-3, Hawaii Administrative Rules, is amended to read as follows:

"§12-110-3 Safety and health inspections. (a) The general contractor of every construction or demolition project on which [more than 30] employees are engaged shall arrange to have inspections made during the period of the project for the purpose of assuring compliance with the [standards of part 3 of this title.] Hawaii Occupational Safety and Health Law. Where there is no general contractor, the owner shall be responsible or shall designate one particular contractor to be responsible to perform the necessary safety inspections.

(b) [Required] Inspections shall be conducted with sufficient quality, frequency and scope to identify recognized hazards and ensure their correction in order to prevent workplace injuries, illnesses and fatalities. At minimum inspections shall be in accordance with this schedule:

- (1) Projects employing [30 to 100] 1 to 99 persons, at any single moment in the work day, shall have an employee assigned to make at least one inspection each workday;
- (2) Projects employing 100 to [200] 199 persons shall have two employees assigned, each to make at least one inspection each work day; and
- (3) Projects employing [more than] 200 or more persons shall have one additional designated employee for each 300 persons above [200] 199, each to make at least one inspection each workday.

(c) Written records of the daily safety [inspection] and health inspections shall be kept on the project site for review by the director for the duration of the project. Inspection records shall include, at minimum, the following:

- (1) The date and start time of the inspection;
- (2) The name of the employee conducting the inspection;
- (3) The scope (project areas) of the inspection, including the names of all contractors and subcontractors covered by the scope of the inspection;
- (4) A brief description of all potential and actual hazards noted during the inspection;
- (5) Name and title of the person responsible for correcting the identified hazards noted during the inspection;
- (6) Information regarding how the hazard was eliminated, corrected or abated including the inspector's recommendations for preventing the recurrence of the hazards.

(d) Warning signs shall be posted prohibiting unauthorized persons from operating potentially hazardous machines or equipment." [Eff 7/12/82; am 9/27/84; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

6. Subsection 12-110-50(a), Hawaii Administrative Rules, is amended to read as follows:

"§12-110-50 Standards (a) Incorporation of federal standard. Title 29, Part 1926 of the Code of Federal Regulations, [2011] 2012 Edition published as of July 1, [2011,] 2012, by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001, is made a part of this chapter except as provided in subsection (b). [Title 29, Code of Federal Regulations, Part 1926 entitled "Standards Improvement Project - Phase III" published by the Office of the Federal register, National Archives and Records Administration, on June 8, 2011, is made a part of this chapter.]"
[Eff 2/13/12; am] (Auth HRS §396-4) (Imp: HRS §396-4)

7. Section 12-170-1, Hawaii Administrative Rules, is amended to read as follows:

"12-170-1 Incorporation of federal standard. Title 29, Part 1915 of the Code of Federal Regulations, [2011] 2012 Edition published as of July 1, [2011,] 2012, by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001, is made a part of this chapter. [Title 29, Code of Federal Regulations, Part 1915 entitled "General Working Conditions in Shipyard Employment; Final Rule" published by the Office of the Federal Register, National Archives and Records Administration, on May 2, 2011 and "Standards Improvement Project - Phase III" published by the Office of the Federal Register, National Archives and Records Administration on June 8, 2011 are made a part of this chapter.]"
[Eff 3/23/01; am 1/10/03; am 9/01/05; am 3/31/06; am 12/21/06; am 4/19/07; am 8/26/07; am 5/02/08; am 7/27/09; am 2/13/12, am] (Auth: HRS §396-4) (Imp: HRS §396-4)

8. Section 12-180-1, Hawaii Administrative Rules, is amended to read as follows:

"§12-180-1 Incorporation of federal standard. Title 29, Part 1917 of the Code of Federal Regulations, [2011] 2012 Edition published as of July 1, [2011,] 2012 by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001 is made a part of this chapter. [Title 29, Code of Federal regulations, Part 1917 entitled "Standards Improvement Project - Phase III" published by the Office of the Federal Register, National

Archives and Records Administration, on June 8, 2011 is made a part of this chapter]" [Eff 3/23/01; am 12/21/06; am 5/02/08; am 7/27/09; am 2/13/12, am] (Auth: HRS §396-4) (Imp: HRS §39-4)

9. Section 12-190-1, Hawaii Administrative Rules is amended to read as follows:

"§12-190-1 Incorporation of federal standard. Title 29, Part 1918 of the Code of Federal Regulations, [2011] 2012 Edition published as of July 1, [2011,] 2012, by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001, is made part of this chapter. [Title 29, Code of Federal Regulations, Part 1918 entitled "Standards Improvement Project - Phase III" published by the Office of the Federal Register, National Archives and Records Administration, on June 8, 2011 is made a part of this chapter]" [Eff 3/23/01; am 12/21/06; am 5/02/08; am 7/27/09; am] (Auth: HRS §396-4) (Imp: HRS §396-4)

10. Material, except source notes, to be repealed is bracketed. New material is underscored.

11. Additions to update source notes to reflect these amendments are not underscored.

12. The amendment of chapters 12-56, 12-60, and 12-110, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on , and filed with the Office of the Lieutenant Governor.

DWIGHT TAKAMINE, DIRECTOR
Department of Labor and
Industrial Relations

APPROVED AS TO FORM:

Deputy Attorney General